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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/210,892	12/16/1998	YOSHIAKI SHUTO	614.1933	7847

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/210,892

Applicant(s)

SHUTO, YOSHIAKI

Examiner

Thu Thao Havan

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/22/06; 12/16/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>IDS: 9/17/04; 2/19/04</u> . |

Detailed Action

Response to Amendment

Claims 1-16 are pending. This action is in response to the Remarks received September 20, 2001.

Response to Arguments

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan et al. (US 5,548,506).

Re claims **1, 9, and 16**, Srinivasan teaches a method of constructing a software system (abstract), comprising the steps of:

storing an information about development situations, know-how, and knowledge in a solution bank by a unit of a solution pattern, the information including software components of a default software system (col. 7, lines 13-20; figs. 1 (elements 10 and 20) and 2-9); and

obtaining contents, including the software components of the default software system corresponding to a desired software system so as to construct the desired software system by accessing the solution bank from a computer in which the desired software system is to be constructed (col. 5, line 40 to col. 6, line 24; fig. 10). Srinivasan discloses Auto Multi-Project Server. It is to act as an automated computer based project coordinator to manage the goals of multiple organizational work-teams. He discloses a self-running software system running on a central server computer system with capabilities for automatic data compilation, tracking and management, handle multiple projects, resolve inter-project resource conflicts and communicate with users via electronic mail or fax mail.

Re claims **2** and **10**, Srinivasan teaches solution bank stores information on an application environment including proposals, designs, software, know-how, and a programming environment (col. 7, lines 35-45).

Re claims **3** and **11**, Srinivasan teaches accessing the solution bank based on information including a business model, transaction forms, and a project size; and selecting items of desired information from items presented by the solution bank (fig. 10).

Re claims **4** and **12**, Srinivasan teaches accessing the solution bank based on information including a solution pattern, a machine being used, a product being used;

and supplying an application environment of a default system from the solution bank to the computer in which the desired system is to be constructed (col. 6, lines 17-57).

Re claims **5** and **13**, Srinivasan teaches supplying design documents of the default system from the solution bank to the computer in which the desired system is to be constructed (col. 7, lines 13-20).

Re claims **6** and **14**, Srinivasan teaches solution bank provides a solution pattern categorized according to a business-transaction model which is requested by the computer in which the desired system is to be constructed (figs. 5 and 9).

Re claims **7** and **15**, Srinivasan teaches solution bank provides only a partial function of a solution pattern for the computer in which the desired system is to be constructed (col. 7, lines 55-61). Srinivasan discloses changed and updated information as partial function of a solution pattern for the computer.

Re claim **8**, Srinivasan teaches checking components incorporated into a default system which is used as a basis for the desired system; and utilizing the checked components for a computer in which another system is to be constructed (col. 7, lines 13-20).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Abu El Ata, US patent no. 6,311,144

Fells et al, US patent no. 6,014,637

Smalley et al., US patent no. 6,067,549

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
2/27/2005



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